

Remarks

Favorable reconsideration of this application, in view of the above amendments and in light of the following remarks and discussion, is respectfully requested.

Applicants respectfully request entry of this response, as the response places the application in clear condition for allowance, or alternatively places the claims in better form for appeal. Specifically, Applicants have canceled claims to overcome rejections under 35 U.S.C. § 112, and have amended claims to overcome a rejection under 35 U.S.C. § 102(b).

Upon entry of this response, Claims 1, 2, 6, 7, 11, 15, 19, 22, and 24 are pending in the application; Claims 3, 8, 12, 16, 20, 21, and 23 having been presently canceled without prejudice or disclaimer, and Claims 1, 19, 22, and 24 having been presently amended.

In the outstanding Office Action, Claims 1-3, 6, 8, 11, 12, and 19-24 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,560,178 to Minkler; Claims 3, 8, 16, and 21-24 were rejected under 35 U.S.C. § 112, first paragraph; and Claims 3, 8, 16, and 21 appear to have been rejected under 35 U.S.C. § 112, second paragraph.¹

As stated above Claims 1-3, 6, 8, 11, 12, and 19-24 were rejected under 35 U.S.C. § 102(b) as being anticipated by Minkler. Applicants respectfully assert that the rejection has been overcome for the following reasons.

The present invention is directed to a process for manufacturing a continuous yarn, as well as a method of a determining breakage of at least one filament of a yarn. Independent Claims 1 and 19 recite disposing a wheel to rotate and to pivot relative to a first end of a lever, and detecting with a magnetic detector a movement of a second end of the lever.

Minkler is directed to a fiber producing apparatus with break out control means. As

¹ Although page 4, lines 1-3, of the outstanding Office Action state that "Claims 3, 8, and 16 are rejected under 35 U.S.C. 112, second paragraph," line 8 of the page 4 refers to Claim 21. Thus, Applicants respectfully assert that the rejection is understood to apply to Claim 21.

shown in the figures of Minkler, a shoe 16 is attached to and supported on a counter-weighted, pivoted arm 38.²

Applicants respectfully assert that Minkler does not teach, however, the claimed features of disposing a wheel to rotate and to pivot relative to a first end of a lever, as recited in independent Claims 1 and 19. Specifically, Applicants respectfully assert that Minkler does not show or state the shoe 16 pivoting relative to the pivoted arm 38, but at most shows the shoe 16 rotating on the pivoted arm 38.

Applicants respectfully assert that the claimed features recited in the independent claims can provide numerous advantages, including advantages that are not provided by Minkler. By way of specific non-limiting examples, Applicants respectfully assert that the claimed features recited in independent Claims 1 and 19 can provide a wheel that can rotate to gather a multiplicity of filaments into a yarn when a tension exerted by the filaments is not below a predetermine tension (such as when the filaments are not broken), and can pivot to better remain in contact with the multiplicity of filaments to continue to gather the filaments even when the tension falls below a predetermined tension (such as when filaments are broken).

Specifically, independent Claims 1 and 19 recite “disposing the wheel to rotate and to pivot relative to a first end of a lever . . . and detecting with a magnetic detector a movement of a second end of the lever.” Thus, Applicants respectfully request that the rejection of independent Claims 1 and 19 under 35 U.S.C. § 102(b) be withdrawn and the independent claims allowed.

Dependent Claims 2, 6, 7, 11, 15, 22, and 24 are allowable for the same reasons as the independent claims from which they depend, as well as for their own features. Thus, Applicants respectfully request that the rejection of dependent 2, 6, 11, 22, and 24 under 35

² Column 2, lines 36-37.

U.S.C. § 102(b) be withdrawn, that withdrawn dependent Claims 7 and 15 be treated on the merits, and the allowance of dependent Claims 2, 6, 7, 11, 15, 22, and 24.

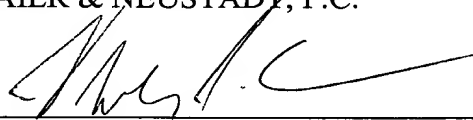
As stated above Claims 3, 8, 16, and 21-24 were rejected under 35 U.S.C. § 112, first paragraph, and Claims 3, 8, 16, and 21 appear to have been rejected under 35 U.S.C. § 112, second paragraph. In response, Applicants respectfully assert that the rejections of the claims have been overcome by the cancellation of Claims 3, 8, 16, 21, and 23, and by amendment of Claims 22 and 24 to depend from independent Claim 19. Inasmuch as the rejection may be applied to independent Claims 1 and 19, Applicants respectfully submit the following remarks. Independent Claims 1 and 19 have been amended to recite "disposing the wheel to rotate and to pivot relative to a first end of a lever" and "detecting with a magnetic detector a movement of a second end of the lever."

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1, 2, 6, 7, 11, 15, 19, 22, and 24 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below listed telephone number.

Respectfully submitted,

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